

DETAILED ACTION

Examiner Amendments

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative Stanton Braden on 06/16/2009.

3. The application has been amended as follows:

In the Specification:

4. The **amended specification, dated 12/14/2008, is not entered** since it will generate a "new matter" situation that fails with the written description requirement.

Allowable Subject Matter

5. Claims 40-65 are allowed.

6. The following is an examiner's statement of reasons for allowance.

- The prior art fails to teach an apparatus of Claims 40, 43, 46 and 50 that specifically comprises the following:

- The instant application is deemed to be directed to a non-obvious improvement over the admitted prior art of the instant application and the invention patented in Pat. No. US 5,852,630 and WO 02/09305.

The improvement comprises:

With regard Claim 40, "wherein said wireless communication channel metrics are channel speed metrics" as recited in combination with other limitation in claim 40,

With regard Claim 43, "wherein said comparing includes comparing one of said first and second metrics to a biased version of the other of said first and second metrics." as recited in combination with other limitation in claim 43,

With regard Claim 46, "wherein said one mode of data reception is a periodically activated test mode in which the RAKE processing element and the equalizer are enabled for operation concurrently." as recited in combination with other limitation in claim 46, and

With regard Claim 50, "said controller making said determination based on a comparison of a first metric associated with said RAKE processing element to a second metric associated with said equalizer; wherein said first mode of data reception is defined by a first combination of respective operational states of the RAKE processing element and the equalizer; wherein said second mode of data reception is defined by a second combination of respective operational states of the RAKE processing element and the equalizer; and wherein said first combination of operational states differs from said second combination of operational states. " as recited in combination with other limitation in claim 50.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is (571) 272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Ted M Wang/
Primary Examiner, Art Unit 2611